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UNITED STATES DISTRICT COURT  
CENTRAL DISTRICT OF CALIFORNIA

IYANA LOVE JONES, a Minor, by her Guardian Ad Litem ERIKA RUDD, MARIAN HOWARD, and SHERMAN JONES,

Case No. EDCV 07-00380 SGL (OPx)  
STANDING ORDER

Plaintiff,

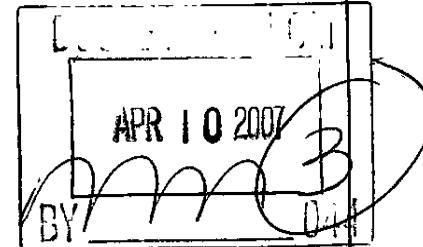
v.

BRIAN WALKER, MICHAEL BENNET, JOHN HORTON, CITY OF BANNING, and DOES 1-10 inclusive,

Defendants.

**READ THIS ORDER CAREFULLY. IT CONTROLS THE CASE  
AND DIFFERS IN SOME RESPECTS FROM THE LOCAL RULES.**

This action has been assigned to the calendar of Judge Stephen G. Larson. Both the Court and the attorneys bear responsibility for the progress of litigation in the Federal Courts. To secure the just, speedy, and inexpensive determination of every action, Fed. R. Civ. P. 1, all counsel of record and any parties proceeding pro se, are directed to familiarize themselves with the Federal Rules of Civil Procedure and the Local Rules of the Central District of California.



1 IT IS HEREBY ORDERED:

2       1. **Service of the Complaint:** Plaintiff shall promptly serve the Complaint in  
3 accordance with Fed. R. Civ. P. 4 and file the proofs of service pursuant to Local Rule  
4 5-3.1 within three days following service. Defendants also shall timely file their  
5 responsive pleadings and file proofs of service within three days.

6       2. **Presence of Lead Counsel:** Unless afforded leave of Court, lead trial  
7 counsel shall attend all proceedings before this Court, including all status and  
8 settlement conferences.

9       3. **Discovery:** All discovery matters have been referred to a United States  
10 Magistrate Judge (see initial designation following the case number). The words  
11 "DISCOVERY MATTER" shall appear in the caption of all documents relating to  
12 discovery to insure proper routing. Counsel are directed to contact the Magistrate  
13 Judge Courtroom Deputy Clerk for the assigned Magistrate Judge to schedule matters  
14 for hearing.

15       The decision of the Magistrate Judge shall be final, subject to modification by the  
16 District Court only where it has been shown that the Magistrate Judge's order is clearly  
17 erroneous or contrary to law.

18       Any party may file and serve a motion for review and reconsideration before this  
19 Court. The party seeking review must do so within ten days of service upon the party of  
20 a written ruling, or within ten days of an oral ruling that the Magistrate Judge states will  
21 not be followed by a written ruling. The motion must specify which portions of the text  
22 are clearly erroneous or contrary to law and the claim must be supported by points and  
23 authorities. A copy of the moving papers and responses shall be delivered to the  
24 Magistrate Judge's clerk for review upon the filing of the required documents.

25       Unless there is a likelihood that, upon motion by a party, the Court would order  
26 that any or all discovery is premature, counsel shall begin before the Scheduling  
27 Conference. At the very least, the parties shall comply fully with the letter and spirit of  
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1 Fed. R. Civ. P. 26(a) relating to initial disclosures and thereby produce and obtain most  
 2 of what would be produced in the early stages of discovery.

3 If expert witnesses are to be called at trial, the parties shall designate experts to  
 4 be called at trial and provide reports required by Fed. R. Civ. P. 26(a)(2)(B) not later  
 5 than eight weeks prior to the discovery cutoff date. Rebuttal expert witnesses shall be  
 6 designated and reports provided as required by Fed. R. Civ. P. 26(a)(2)(B) not later  
 7 than five weeks prior to the discovery cutoff date. Failure to timely comply with this  
 8 deadline may result in the expert being excluded at trial as a witness.

9       4. **Motions:**

10       (a) **Time for Filing and Hearing Motions:** Motions shall be filed in  
 11 accordance with Local Rules 6-1 and 7-2, et seq.<sup>1</sup> This Court hears motions on  
 12 Mondays, commencing at 10:00 a.m. No supplemental brief shall be filed without prior  
 13 leave of Court. Many motions to dismiss or to strike could be avoided if the parties  
 14 confer in good faith (as they are required to do under L.R. 7-3), especially for perceived  
 15 defects in a complaint, answer, or counterclaim which could be corrected by  
 16 amendment. See Chang v. Chen, 80 F.3d 1293, 1296 (9th Cir. 1996) (where a motion  
 17 to dismiss is granted, a district court should provide leave to amend unless it is clear  
 18 that the complaint could not be saved by any amendment). Moreover, a party has the  
 19 right to amend its complaint "once as a matter of course at any time before a  
 20 responsive pleading is served." Fed. R. Civ. P. 15(a). A 12(b)(6) motion is not a  
 21 responsive pleading for purposes of Rule 15(a) and therefore plaintiff might have a right  
 22 to amend. See Nolen v. Fitzharris, 450 F.2d 958, 958-59 (9th Cir. 1971); St. Michael's  
 23 Convalescent Hospital v. California, 643 F.2d 1369, 1374 (9th Cir. 1981). Even where  
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25       <sup>1</sup> Among other things, Local Rule 7-3 requires counsel to engage in a pre-filing  
 26 conference "to discuss thoroughly . . . the substance of the contemplated motion and any  
 27 potential resolution." Counsel should discuss the issues sufficiently so that if a motion is  
 28 still necessary, the briefing may be directed to those substantive issues requiring  
 resolution by the Court. Counsel should resolve minor procedural or other  
 nonsubstantive matters during the conference.

1 a party has amended its Complaint once, or where a responsive pleading has been  
2 served, the Federal Rules provide that leave to amend "shall be freely given when  
3 justice so requires." Fed. R. Civ. P. 15(a). The Ninth Circuit requires that this policy  
4 favoring amendment be applied with "extreme liberality." Morongo Band of Mission  
5 Indians v. Rose, 893 F.2d 1074, 1079 (9th Cir. 1990)(citing DCB Programs, Ltd. v.  
6 Leighton, 833 F.2d 183, 186 (9th Cir. 1987)). These principles require that counsel for  
7 the plaintiff should carefully evaluate the defendant's contentions as to the deficiencies  
8 in the complaint and, in many instances, the moving party should agree to any  
9 amendment that would cure a curable defect.

10 In the unlikely event that motions under Fed. R. Civ. P. 12 challenging pleadings  
11 are filed after the Rule 16 Scheduling Conference, the moving party shall attach a copy  
12 of the challenged pleading to the Memorandum of Points and Authorities in support of  
13 the motion.

14 The foregoing provisions apply as well to motions to dismiss a counterclaim,  
15 answer, or affirmative defense that a plaintiff might file.

16 (b) **Length and Format of Motion Papers:** Memoranda of Points  
17 and Authorities in support of or in opposition to motions shall not exceed 25  
18 pages. Replies shall not exceed 12 pages. Only in rare instances and for good  
19 cause shown will the Court grant an application to extend these page limitations.

20 Typeface shall comply with Local Rule 11-3.1.1. If Times Roman or another  
21 proportionally spaced font is used, the size must be no less than 14-point; if Courier or  
22 another monospaced font is used, the size must be no less than 12-point, and there  
23 must be no fewer than 10.5 characters per inch. Footnotes shall be in typeface no less  
24 than one size smaller than text size and shall be used sparingly.

25 Filings that do not conform to the Local Rules and this Order will not be  
26 considered.

27 (c) **Citations to Case Law:** Citations to case law must identify not  
28 only the case being cited, but the specific page being referenced. Certain kinds of

1 authority are considered more useful — or authoritative — than others. If more than  
2 one authority is cited in support of a proposition, these supporting authorities shall be  
3 listed such that the more authoritative ones appear first.

4                             (d) **Citations to Statutory Sources:** Counsel are reminded that the  
5 basic purpose of a legal citation is to allow the reader to locate a cited source  
6 accurately and efficiently. Accordingly, statutory references should identify, with  
7 specificity, which sections and subsections are being referenced. Statutory references  
8 which do not indicate specifically which section and subsection are being referred to are  
9 to be **avoided**. Citations to treatises, manuals, and other materials should similarly  
10 include the volume and the section being referenced.

11                             (e) **Citations to Other Sources:** Parties offering evidence in support  
12 of, or in opposition to, a motion (notably a Rule 56 motion) must cite to specific page  
13 and line numbers in depositions and paragraph numbers in affidavits. Furthermore,  
14 such evidence must be authenticated properly. The Court directs the parties to become  
15 familiar with Orr v. Bank of America, NT & SA, 285 F.3d 764 (9th Cir. 2002).

16                             (f) **Courtesy Copies:** Counsel shall deliver a conformed courtesy  
17 copy of all opposition and reply papers in motion matters to the courtesy box on the wall  
18 outside the entrance to Courtroom One, located on the second floor of the United  
19 States Courthouse, 3470 Twelfth Street, Riverside, California, **by 4:00 p.m. on the**  
20 **date due.**

21                             (g) **Limits on Motions**

22                                 (1) **Motions for Summary Judgment:** No party may file more  
23 than one motion pursuant to Fed. R. Civ. P. 56, regardless of whether such motion is  
24 denominated as a motion for summary judgment or summary adjudication.

25                                 (2) **Motions in Limine:** No party may file more than five  
26 motions in limine.

27                             5. **Proposed Orders:** Each party filing or opposing a motion, or seeking the  
28 determination of any matter, shall serve and lodge a Proposed Order setting forth the

1 relief or action sought and a brief statement of the rationale for the decision with  
2 appropriate citations.

3       6. **Ex Parte Applications:** Counsel are reminded that ex parte applications  
4 are solely for extraordinary relief. See Mission Power Engineering Co. v. Continental  
5 Casualty Co., 883 F. Supp. 488 (C.D. Cal. 1995). Applications which fail to conform  
6 with Local Rules 7-19 and 7-19.1, **including a statement of opposing counsel's**  
7 **position**, will not be considered. Any opposition must be filed not later than 24 hours  
8 after service. If counsel do not intend to oppose the ex parte application, counsel must  
9 inform the court clerk by telephone. The Court considers ex parte applications on the  
10 papers and usually does not set these matters for hearing.

11       Counsel shall deliver a conformed courtesy copy of moving, opposition, or notice  
12 of non-opposition papers to the courtesy box outside the entrance to Courtroom One.  
13 The courtroom deputy clerk will notify counsel of the Court's ruling or a hearing date  
14 and time, if the Court determines a hearing is necessary.

15       7. **Applications or Stipulations to Extend the Time to File any Required**  
16 **Document or to Continue any Pretrial or Trial Date:** No stipulations extending  
17 scheduling requirements or modifying applicable rules are effective until and unless the  
18 Court approves them. Both applications and stipulations must be filed in advance of  
19 the date due and set forth:

20           (a) the existing due date or hearing date as well as the discovery cutoff  
21 date, the last date for hearing motions, the pre-trial conference date and the trial date;  
22           (b) specific, concrete reasons supporting good cause for granting the  
23 extension; and  
24           (c) whether there have been prior requests for extensions, and  
25 whether these were granted or denied by the Court.

26       8. **TROs and Injunctions:** Parties seeking emergency or provisional relief  
27 shall comply with Fed. R. Civ. P. 65 and Local Rule 65-1. The Court will not rule on any  
28 application for such relief for at least 24 hours after the party subject to the requested

1 order has been served; such party may file opposing or responding papers in the  
2 interim.<sup>2</sup> The parties shall lodge a courtesy copy, conformed to reflect that it has been  
3 filed, of all papers relating to TROs and injunctions. The courtesy copy shall be placed  
4 in the courtesy box outside the entrance to Courtroom One. All such papers shall be  
5 filed "loose," i.e., not inside envelopes.

6       **9. Cases Removed From State Court:** All documents filed in state court,  
7 including documents appended to the complaint, answers, and motions, must be refiled  
8 in this Court as a supplement to the Notice of Removal, if not already included. See 28  
9 U.S.C. § 1447(a)-(b). If defendant has not yet responded, the answer or responsive  
10 pleading filed in this Court must comply with the Federal Rules of Civil Procedure and  
11 the Local Rules of the Central District. If a motion was pending in state court before the  
12 case was removed, it must be re-noticed in accordance with Local Rule 6-1.

13       **10. ERISA Cases:**

14           The following procedure will apply in cases in which a plaintiff seeks benefits  
15 under an ERISA plan:

16           (a) Because discovery is disfavored in such cases, the parties may  
17 request discovery only where it is necessary to determine the appropriate standard of  
18 review and the proper scope of the administrative record. See Kearney v. Standard Ins.  
19 Co., 175 F.3d 1084, 1090-91 (9th Cir. 1999). The Court will set a discovery cut-off  
20 date. Any disputes concerning discovery that the parties are unable to resolve through  
21 the meet and confer process shall be submitted to the assigned Magistrate Judge. The  
22 parties are advised to carefully follow all of the requirements of L.R. 37-1, et. seq.

23           (b) Absent an agreed-upon statement of facts, the Court will not hear  
24 motions for summary judgment; instead, the Court will consider a joint motion to

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26           <sup>2</sup> Local Rule 7-19.2 - Waiver of Notice. If the Judge to whom the application is  
27 made finds that the interest of justice requires that the ex parte application be heard  
28 without notice (which in the instance of a TRO means that the requisite showing under  
Fed. R. Civ. P. 65(b) has been made) the Judge may waive the notice requirement of  
L.R. 7-19.1.

1 determine the proper standard of review. In accordance with the schedule established  
2 by the Court, the parties shall file simultaneous briefs in support of their respective  
3 positions on the appropriate standard of review. The parties shall also file simultaneous  
4 opposing briefs.

5 (c) Prior to filing a motion to determine the proper standard of review,  
6 the parties shall participate in a settlement conference pursuant to L.R. 16-14.

7 (d) Within thirty days after the entry of the Court's order (or the parties'  
8 stipulation) re standard of review, the parties shall participate in a second settlement  
9 conference pursuant to L.R. 16-14.

10 (e) Absent a settlement, the Court will conduct an administrative  
11 review on the parties' trial briefs. The Court will not conduct a trial or hear oral  
12 argument unless the Court, after receiving and reviewing the parties' trial briefs, decides  
13 that such argument would be helpful to the Court. The parties shall file simultaneous  
14 opening briefs and opposing briefs per the schedule established by the Court. The  
15 matter will be taken under submission and the Court will issue an Order Re  
16 Administrative Review.

17 With the opening briefs, the parties shall jointly lodge with the Court two copies  
18 of the administrative record. The original copy must be formatted in compliance with  
19 the Court's Local Rules; the chambers copy must include a table of contents, must be  
20 tabbed, and must be placed in a three-ring binder.

21 (f) In addition to any applicable items set forth in the Court's Order  
22 setting the Rule 26(f) conference, the parties' Rule 26(f) Report shall set forth a  
23 statement of whether the parties anticipate that the Court will be required to determine  
24 the appropriate standard of review.

25 (g) The Court will set a briefing schedule for and a cut-off date for  
26 hearing of motions regarding standard of review and the scope of the administrative  
27 record.

28

1       11. **Status of Fictitiously Named Defendants:** This Court intends to adhere  
2 to the following procedures where a matter is removed to this Court on diversity  
3 grounds with fictitiously named defendants referred to in the complaint (see 28 U.S.C.  
4 §§ 1441(a) and 1447):

5                 (a) Plaintiff is normally expected to ascertain the identity of and serve  
6 any fictitiously named defendants within 120 days of the removal of the action to this  
7 Court.

8                 (b) If plaintiff believes (by reason of the necessity for discovery or  
9 otherwise) that fictitiously named defendants cannot be fully identified within the 120-  
10 day period, an ex parte application requesting permission to extend that period to  
11 effectuate service may be filed with this Court. Such application shall state the reasons  
12 therefor, and may be granted upon a showing of good cause. The ex parte application  
13 shall be served upon all appearing parties, and shall state that appearing parties may  
14 comment within seven (7) days of the filing of the ex parte application.

15                 (c) If plaintiff desires to substitute a named defendant for one of the  
16 fictitiously named parties, plaintiff first shall seek to obtain consent from counsel for the  
17 previously-identified defendants (and counsel for the fictitiously named party, if that  
18 party has separate counsel). If consent is withheld or denied, plaintiff may apply ex  
19 parte requesting such amendment, with notice to all appearing parties. Each party shall  
20 have seven calendar days to respond. The ex parte application and any response  
21 should comment not only on the substitution of the named party for a fictitiously named  
22 defendant, but on the question of whether the matter should thereafter be remanded to  
23 the Superior Court if diversity of citizenship is destroyed by the addition of the new  
24 substituted party. See 28 U.S.C. § 1447(e).

25       12. **Communications with Chambers:** Counsel shall not attempt to contact  
26 the Court or its chambers staff by telephone or by any other ex parte means, although  
27 counsel may contact the Court's courtroom deputy clerk, James Holmes, at (951) 328-  
28 4464, with appropriate inquiries. To facilitate communication with the courtroom

1 deputy, counsel should list their facsimile transmission numbers along with their  
2 telephone numbers on all papers.

3       13. **Notice of this Order:** Counsel for plaintiff shall immediately serve this  
4 Order on all parties, including any new parties to the action. If this case came to the  
5 Court by noticed removal, defendant shall serve this Order on all other parties.

6       14. **Internet Site:** Counsel are encouraged to review the Central District's  
7 Website for additional information.<sup>3</sup> The address is "<http://www.cacd.uscourts.gov>".

9 IT IS SO ORDERED.

Dated: APR - 6 2007

S. G. Larson

**STEPHEN G. LARSON  
UNITED STATES DISTRICT JUDGE**

<sup>3</sup> Copies of the Local Rules are available on our website at "http://www.cacd.uscourts.gov" or they may be purchased from one of the following:

Los Angeles Daily Journal  
915 East 1st Street  
Los Angeles, California 90012

West Publishing Company  
610 Opperman Drive  
Post Office Box 64526  
St. Paul, Minnesota 55164-0526

Metropolitan News  
210 South Spring Street  
Los Angeles, California 90012